

HOUSE BILL REPORT

HB 2557

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to the collection of criminal palmprint records.

Brief Description: Authorizing collection of offenders' palmprints.

Sponsors: Representatives O'Brien, Kagi, Pearson, Lovick, Carrell, Miloscia, Moeller and Rockefeller.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/30/04, 2/6/04 [DPS].

Brief Summary of Substitute Bill

- Requires the palmprinting of offenders serving jail or prison sentences.
- Requires the palmprints to be transmitted to the Washington State Patrol.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives O'Brien, Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson and Veloria.

Minority Report: Do not pass. Signed by 2 members: Representatives Darneille, Vice Chair; and Kagi.

Staff: Jim Morishima (786-7191).

Background:

Photographs and Fingerprints

Law enforcement agencies are required to collect the photographs and fingerprints of all adults and juveniles arrested on felony or gross misdemeanor charges. Law enforcement agencies have the authority, but not the duty, to collect the photographs and fingerprints of all other lawfully arrested adults, all persons who are the subject of dependency record information, and all persons who are the subject of protection proceeding record information. The law enforcement agencies may also collect the palmprints, soleprints, toeprints, or any other identification data on all persons for whom the law enforcement agency is required or

allowed to collect photographs and fingerprints when it is necessary for proper identification or the investigation of the crime with which the person is charged.

Deoxyribonucleic Acid (DNA) Samples

Every adult and juvenile convicted of a felony, stalking, harassment, or communicating with a minor for immoral purposes must have a biological sample collected from them for DNA analysis. The Washington State Patrol (WSP) is responsible for analyzing the biological sample and submitting it to the DNA identification system.

Summary of Substitute Bill:

Any adult or juvenile serving a jail or prison sentence for a felony or gross misdemeanor must be palmprinted prior to release from incarceration. The collected palmprints are to be transmitted to the WSP. The WSP is not required to accept palmprints until it has created rules regarding the acceptance of palmprints and has the resources to utilize the palmprints as part of its automated fingerprint imaging system. An agency required to collect palmprints may charge an offender a fee of up to \$10 to record and maintain palmprint records.

City, county, or state correctional institutions are not required to comply with the palmprinting requirements if the incarcerated offender's palmprints are already recorded with any Washington law enforcement agency. A city or county is not required to comply with the palmprinting requirements if the incarcerated offender in question is being held pending transfer to the Department of Corrections or the Department of Social and Health Services.

Substitute Bill Compared to Original Bill:

The substitute allows an agency required to collect palmprints to charge an offender a fee of up to \$10. The substitute exempts a city or county correctional institution from the palmprinting requirements for offenders who are being held pending transfer to the Department of Corrections or the Department of Social and Health Services.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The automated fingerprint imaging system allows the police to identify perpetrators. Sometimes the police are unable to obtain fingerprints from a crime scene, but are able to collect palmprints. The state patrol is planning to start a palmprint database. However, the database will be useless until there are palmprints in the database. This bill will help to kick-start the database.

(With concerns) This bill may increase costs for local governments.

Testimony Against: None.

Persons Testifying: (In support) Tim Schellberg, Washington Association of Sheriffs and Police Chiefs.

(With concerns) Sophia Byrd, Association of Counties.

Persons Signed In To Testify But Not Testifying: None.